

PTO/SB/21 (09-08)

Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission

15

Attorney Docket Number

AVI 1005-04US

Application Number

10/600,258

Filing Date

June 20, 2003

First Named Inventor

MACCREADY, Paul B.

Art Unit

3644

Examiner Name

HOLZEN, Stephen A.

**ENCLOSURES (Check all that apply)**

- Fee Transmittal Form  
 Fee Attached  
 Amendment/Reply  
 After Final  
 Affidavits/declaration(s)  
 Extension of Time Request  
 Express Abandonment Request  
 Information Disclosure Statement  
 Certified Copy of Priority Document(s)  
 Reply to Missing Parts/ Incomplete Application  
       Reply to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)  
 Licensing-related Papers  
 Petition  
 Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation  
 Change of Correspondence Address  
 Terminal Disclaimer  
 Request for Refund  
 CD, Number of CD(s) \_\_\_\_\_  
 Landscape Table on CD

**Remarks**

The Request for Refund includes Exhibit A, "Petition for Refund of Extension Fees" and Exhibit B, a copy of a return postcard, dated stamped "March 22, 2004" as received by the USPTO.

- After Allowance Communication to TC  
 Appeal Communication to Board of Appeals and Interferences  
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  
 Proprietary Information  
 Status Letter  
 Other Enclosure(s) (please identify below):

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

The Law Office of John A. Grieggi

Signature

Printed name

John A. Grieggi

Date

October 17, 2007

Reg. No. 39,694

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

John A. Grieggi

Date

October 17, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application No. : 10/600,258 Confirmation No. 7491  
5 Applicant : MACCREADY et al.  
Filed : June 20, 2003  
Art Unit : 3746  
Examiner : HOLZEN, Steven A.

Docket No. : AVI 1005-04US  
10 Customer No. : 28327  
Date: October 17, 2007

15 Mail Stop: Office of Finance  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

#### REQUEST FOR REFUND

20 Dear Sir:

##### I. REQUEST

25 Applicants previously mailed a Petition to Refund Extension Fees ("the Petition")  
of a four month extension of time fee in the amount of \$740.00, to the Patent  
Office for the above-identified patent application. The Petition apparently became  
misplaced at the Patent Office, and no reply to the Petition was made by the Patent  
Office. Furthermore, no refund of the extension fees has been received by  
Applicants. The present Request for Refund requests that the extension of time  
30 fees, in the amount of \$740.00, as well as the fee paid for the Petition, in the  
amount of \$130.00, be refunded to the Applicants, a total requested refund amount  
equal to \$870.00.

##### II. RELEVANT DATES AND OCCURANCES

35

March 17, 2004: A Petition to Refund Extension Fees (copy attached, as Exhibit  
A), accompanied by check number 3220 in the amount of \$130.00 for the  
Petition, was mailed to the Commissioner for Patents at Mail Stop  
"Petitions," petitioning for a refund of a four month extension of time fee  
40 that was mailed with a Response to Missing Parts (dated February 26,

Appl. No. 10/600,258  
Request for Refund, dated October 17, 2007

2004). As can be seen in Exhibit A, the Petition explained in detail the circumstances that led to Applicants petitioning for a refund of the extension fees. Please refer to the attached copy of the Petition for the circumstances that led to the Petition being filed by Applicants.

5

March 22, 2004: The return receipt postcard sent with the Petition was date stamped as received by the OIPE at the Patent Office, and the postcard was returned by mail to Applicants. A copy of the postcard as stamped by OIPE is also attached (see Exhibit B).

10

October 4, 2007: It came to the attention of Applicants' attorney during preparation of the fees due for a Notice of Allowance in the application, that the Petition was never answered by the Patent Office, and that a refund was never made to Applicants.

15

October 5, 2007: Applicants' attorney contacted the Petitions Department at the Patent Office by telephone to request a status of the Petition, and was informed that there was no record of the Petition. A Ms. Patricia Ball, in the Petitions Department, suggested that the Petition may have been forwarded to the Refunds Department in the Office of Finance. However, a subsequent call to the Refunds Department was also unable to locate the Petition. During the telephone conversations, it was recommended that a Request for Refund be made for both the original overpayment of fees, as well as the petition fee and sent by facsimile to the Refunds Department.

20

25

### III. EXPLANATION OF WHY A REFUND IS APPROPRIATE

30

As can be seen from the attached Exhibit A, Applicants properly requested a refund of the overpayment of fees within the two year statutory limit to request a refund. Since the Petition was received by the Patent Office (as confirmed by the stamped, return postcard) yet not responded to, nor a refund made, Applicants again request

Appl. No. 10/600,258  
Request for Refund, dated October 17, 2007

a refund of the extension fees overpaid. As the Petition was never considered by the Patent Office, Applicants also believe the petition fee should be refunded.

IV. MANNER OF REFUND

5

Applicants respectfully requests a refund of \$870.00 (\$740.00 four month extension fees, plus \$130.00 petition fee) be credited to Deposit Account No. 50-1809, and that the Law Office of John A. Grieggi be notified that the refund has occurred.

10

Please do not hesitate to contact me at the telephone number listed below if you have any questions regarding this request.

15

Respectfully submitted,

By:

  
John A. Grieggi  
Registration No. 39,694

20

The Law Office of John A. Grieggi  
703 Pier Avenue, Suite B #657  
Hermosa Beach, California 90254  
25 (310) 376-6527 (phone)  
(310) 376-6529 (facsimile)

Exhibit "A", page 2

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEET TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete if Known

Application Number	10/600,258
Filing Date	June 20, 2003
First Named Inventor	MacCready, Paul B.
Examiner Name	
Art Unit	3746
Attorney Docket No.	AVI 1005-04US

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number 501809

Deposit Account Name Law Office of John A. Griecci

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments
   
 Charge any additional fee(s) or any underpayment of fee(s)
   
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 630	2003 285	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims below	Fee from below	Fee Paid
Independent Claims	-20" =	X	
Multiple Dependent	-3" =	X	

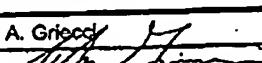
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 65	2201 43	Independent claims in excess of 3
1203 280	2203 145	Multiple dependent claim, if not paid
1204 65	2204 43	" Reissue independent claims over original patent
1205 18	2205 9	" Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 60	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1063 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 65	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 275	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 2,010	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,610	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unsolvable	
1453 1,330	2463 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or release)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1480 190	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(e))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.128(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)	130.00

(Complete if applicable)

Name (Print/Type)	John A. Griecci	Registration No.	39,694	Telephone	(310) 378-6527
Signature		Attorney/Agent		Date	March 17, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS! SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Exhibit "A" page 1

PTO/SB/21 (08-03)

Approved for use through 08/31/2003, OMB 0651-0001

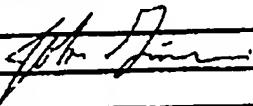
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/600,258
		Filing Date	June 20, 2003
		First Named Inventor	MacCready, Paul B.
		Art Unit	3746
		Examiner Name	
Total Number of Pages in This Submission	9	Attorney Docket Number	AVI 1005-04US

ENCLOSURES (Check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit(s)/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):	
Remarks			
<b>COPY</b>			

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	John Griecci, Reg. No. 39,694
Signature	
Date	March 17, 2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	John Griecci	Date	March 17, 2004
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Exhibit "A" page 3

PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete if Known

Application Number	10/600,258
Filing Date	June 20, 2003
First Named Inventor	MacCready, Paul B.
Examiner Name	
Art Unit	3746
Attorney Docket No.	AVI 1005-04US

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number: 501809  
 Deposit Account Name: Law Office of John A. Griecci

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 150	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1063 150	1063 150	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1262 420	2252 110	Extension for reply within second month	
1253 850	2253 175	Extension for reply within third month	
1254 1,480	2254 240	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 185	Notice of Appeal	
1402 330	2402 185	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or release)	
1502 460	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 160	1808 160	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(e))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(d))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

SUBTOTAL (1) (\$)

\*or number previously paid, if greater. For Reissues, see above

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

(Complete if applicable)

SUBMITTED BY	John A. Griecci	Registration No. 39,694	Telephone (310) 378-6527
Name (Print/Type)		Date	March 17, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8198 and select option 2.

Exhibit "A" page 4

Confirmation No. 7491

Application No. : 10/600,258  
5 Applicant : MACCREADY et al.  
Filed : June 20, 2003  
Art Unit : 3746  
Examiner :

Docket No. : AVI 1005-04US  
10 Customer No. : 28327  
Date: March 17, 2004

15 Mail Stop: Petition  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COPY

PETITION TO REFUND EXTENSION FEES

20 Dear Sir:

I. REQUEST

25 Applicants previously filed a petition for a four month extension of time and a check for \$740.00, along with a reply to a Notice of Missing Parts ("the Notice"). The present petition requests that the extension of time fees, in the amount of \$740.00, be refunded to the Applicants.

II. RELEVANT DATES AND OCCURANCES

30 August 27, 2003: The Notice was apparently mailed by the Patent Office to The Law Office of John A. Grieggi (the "Law Office"), with a shortened statutory deadline of two months. The Notice recites the correct correspondence address, but was never received by the Law Office.

35 February 5, 2004: Attorney John Grieggi of the Law Office contacted the Patent Office by telephone to request the status of the application, and was informed of the mailing date of the Notice. At Mr. Grieggi's request, the Patent Office agreed to send a courtesy copy of the Notice to the Law Office by facsimile. Mr. Grieggi made a search of the file at the Law Office

Appl. No. 10/600,258  
Request for Refund

Exhibit 'A', page 5

and verified that the Notice had not been received. Enclosed is a phone memoranda prepared on February 5, 2004, recording the subject discussed in the telephone call.

**COPY**

5 February 10, 2004: After a second request by Mr. Grieggi, a courtesy copy of the Notice was sent to the Law Office by facsimile. Enclosed please find a copy of a cover letter that accompanied the Notice.

10 February 26, 2004: Applicants filed a response to the Notice, along with a petition for a four month extension of time to respond to the Notice. That petition required the payment of a \$740.00 fee under 37 C.F.R. 1.17(a)(4). Enclosed please find a copy of the petition for a four month extension of time to respond to the Notice.

15 III. EXPLANATION OF WHY A REFUND IS APPROPRIATE

20 On February 5, 2004, an inquiry to the Patent Office by the Law Office resulted in Applicants learning that the Notice had apparently been mailed over five months prior to that date. Applicants prepared and filed a response to the Notice during the three weeks remaining within the 6 month statutory period for the Notice.

25 Had the Law Office not checked on the status of the application, Applicants' first knowledge of the Notice would have been upon receipt of a Notice of Abandonment. In that case, Applicants would have been entitled to petition for revival of the application as unavoidably abandoned, with only the payment of a \$55.00 petition fee. It is inappropriate for Applicants to be penalized with a \$740.00 extension fee simply because they were diligent enough to discover the problem prior to abandonment.

30 Therefore, it is appropriate to reset the response period of the Notice of Missing Parts to run from February 5, 2004, the date Applicants first learned that it had

Appl. No. 10/600,258  
Request for Refund

Exhibit "A" pg 6

been mailed. It is further appropriate to then refund the extension of time fee paid by Applicants.

5 In the alternative, it is appropriate for the Patent Office to remove the shortened statutory deadline, which is applied at the prerogative of the Commissioner. As noted above, it is further appropriate to then refund the extension of time fee paid by Applicants.

COPY

IV. MANNER OF REFUND

10 Applicants respectfully requests a refund of \$740.00 be credited to Deposit Account No. 50-1809, and that the Law Office of John A. Grieggi be notified that the refund has occurred.

15 Respectfully submitted,

By:

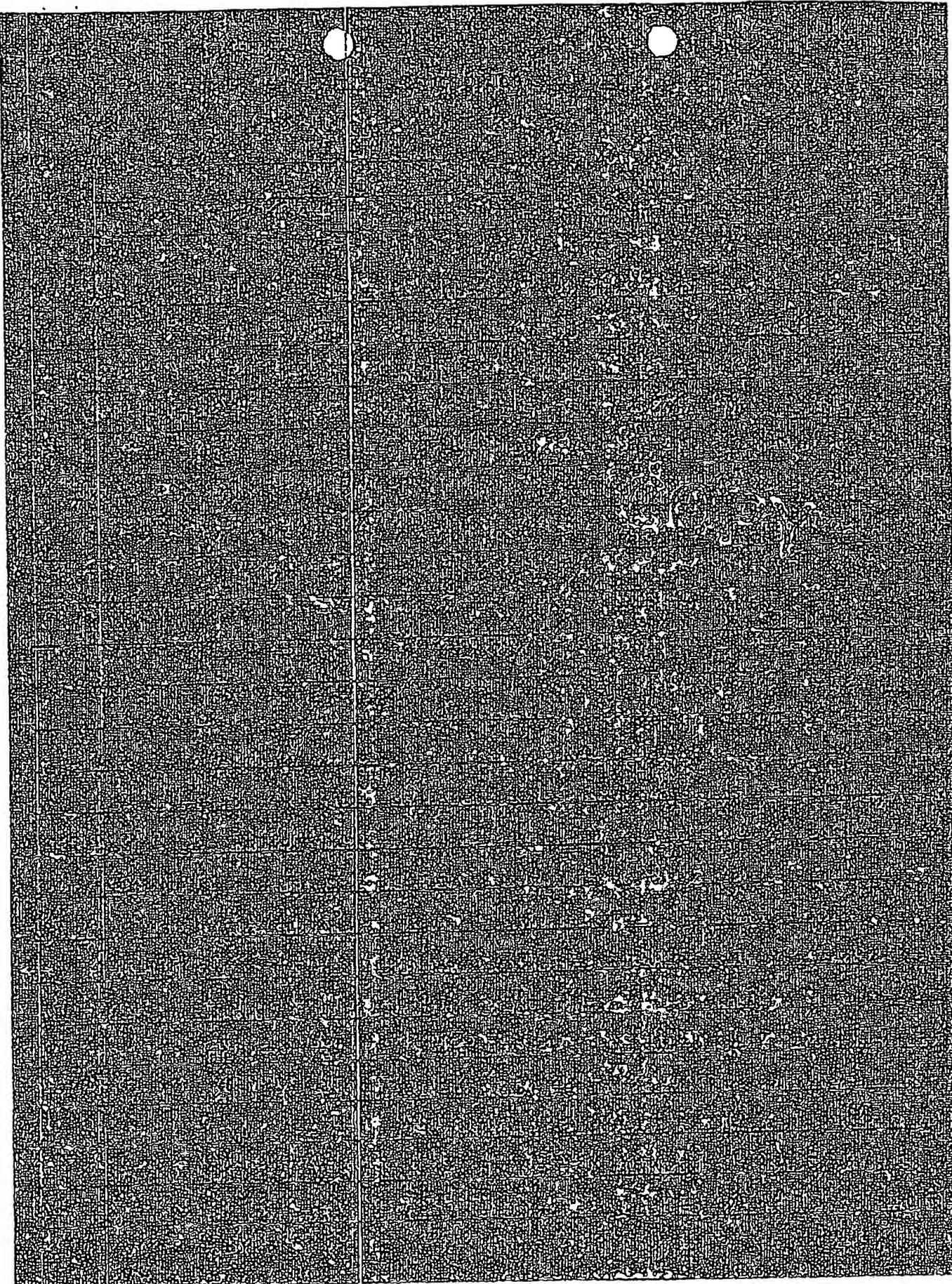
  
John A. Grieggi  
Registration No. 39,694

20  
25 The Law Office of John A. Grieggi  
703 Pier Avenue, Suite B #657  
Hermosa Beach, California 90254  
(310) 376-6527 (phone)  
(310) 376-6529 (facsimile)

OCT 17 2007 8:29PM GRIECCI#LAW#OFFICE

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p.11



OCT 17 2007 8:37PM GRIECCI#LAW#OFFICE

02/10/04 14:50

13103766529

p.12

2003

Page 1 of

Exhibit 'A' page 8



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILED OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO/TITLE
10/600,258	06/20/2003	Paul MacCready	AVI1005-04US

CONFIRMATION NO. 7491

RESEND COVER LETTER

0000000011875180

Date Mailed: 02/11/2004

COVER LETTER FOR RESENDING CORRESPONDENCE

A courtesy copy of the Notice mailed on 08/27/2003 is enclosed. The time period for reply continues to run from the mail date of that Notice.

COPY  
COPY

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Parent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

Exhibit "A" page 9

PTO/SB/22 (08-03)

Approved for use through 7/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional) AVI 1005-04US										
<table border="1"> <tr> <td colspan="2">In re Application of <b>MACCREADY et al.</b></td> </tr> <tr> <td>Application Number</td> <td>10/800,258</td> </tr> <tr> <td>For</td> <td><b>HYDROGEN POWERED AIRCRAFT</b></td> </tr> <tr> <td>Art Unit</td> <td>3746</td> </tr> <tr> <td colspan="2">Examiner</td> </tr> </table>			In re Application of <b>MACCREADY et al.</b>		Application Number	10/800,258	For	<b>HYDROGEN POWERED AIRCRAFT</b>	Art Unit	3746	Examiner	
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Examiner												
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and appropriate non-small-entity fee are as follows (check time period desired):</p> <table> <tr> <td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td> <td>\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td> <td>\$ 1,480.00</td> </tr> <tr> <td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td> <td>\$ _____</td> </tr> </table> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 740.00</p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>50-1809</u>.</p> <p>I have enclosed a duplicate copy of this sheet.</p> <p>I am the <input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>39,694</u></p> <p><input type="checkbox"/> attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) <u>39,694</u></p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>February 26, 2004</p> <p>Date</p> <p>(310) 378-8527</p> <p>Telephone Number</p> <p><i>[Signature]</i> Signature</p> <p>John Grisoli, Reg. No. 39,694</p> <p>Typed or printed name</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> Total of <u>one (1)</u> forms are submitted.</p> <p>This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p>If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.</p>			<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____	<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____	<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ _____	<input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ 1,480.00	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____											
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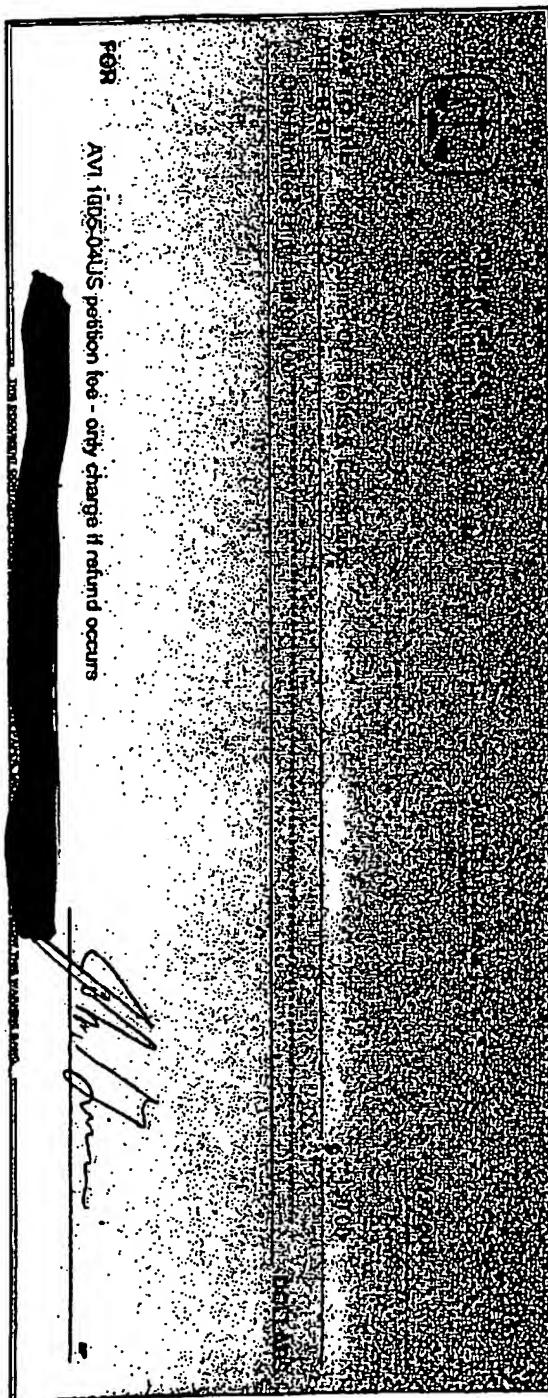
OCT 17 2007 8:38PM

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13103766529

p. 14

Exhibit "A", page 10



COPY

## Exhibit "B"

Please date stamp and acknowledge receipt of the accompanying:

- Transmittal Form Date Mailed: March 17, 2004  
 Fee Transmittal (in duplicate) Check No(s): 3220 for \$130.00  
 Petition to Refund Extension Fees, including:  
- Copy: The Law Office of John A. Grieggi memoranda  
- Copy: Cover Letter for Resending Correspondence  
- Copy: Petition for Extension of Time Under 37 C.P.R. 1.136(1)

Serial No.: 10/600,258 Filing Date: June 20, 2003

Title: HYDROGEN POWERED AIRCRAFT

First Applicant's Name: MACCRADY, Paul P.

Examiner: Not yet assigned Group Art Unit: 3746

Attorney Docket No.: AVI 1005-04US Conf. No.: 7491

Grieggi Client: AeroVironment

O P E R A T I O N S  
JUN 22 2003  
U.S. PATENT & TRADEMARK OFFICE  
COPY



Application No. : 10/600,258  
5 Applicant : MACCREADY et al.  
Filed : June 20, 2003  
Art Unit : 3746  
Examiner :

Confirmation No. 7491

10 Docket No. : AVI 1005-04US  
Customer No. : 28327  
Date: March 17, 2004

15 Mail Stop: Petition  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### PETITION TO REFUND EXTENSION FEES

20 Dear Sir:

#### I. REQUEST

25 Applicants previously filed a petition for a four month extension of time and a check for \$740.00, along with a reply to a Notice of Missing Parts ("the Notice"). The present petition requests that the extension of time fees, in the amount of \$740.00, be refunded to the Applicants.

#### II. RELEVANT DATES AND OCCURANCES

30

August 27, 2003: The Notice was apparently mailed by the Patent Office to The Law Office of John A. Grieggi (the "Law Office"), with a shortened statutory deadline of two months. The Notice recites the correct correspondence address, but was never received by the Law Office.

35

February 5, 2004: Attorney John Grieggi of the Law Office contacted the Patent Office by telephone to request the status of the application, and was informed of the mailing date of the Notice. At Mr. Grieggi's request, the Patent Office agreed to send a courtesy copy of the Notice to the Law Office by facsimile. Mr. Grieggi made a search of the file at the Law Office.

40

Adjustment date: 08/14/2008 HDESTA1  
03/23/2004 AWNDAF1 000000029 10600258 -130.00 OP  
01 FC:1460  
Repln. Ref: 08/14/2008 HDESTA1 0012334900  
Dm:501809 Name/Number:10600258 \$130.00 CR  
FC: 9224

Adjustment date: 08/14/2008 HDESTA1  
03/23/2004 AWNDAF1 00000029 10600258 130.00 OP  
01 FC:1460  
Repln. Ref: 08/14/2008 HDESTA1 0012334900  
Dm:501809 Name/Number:10600258 \$130.00 CR  
FC: 9224

Adjustment date: 08/14/2008 HDESTA1  
03/23/2004 AWNDAF1 00000029 10600258 -740.00 OP  
01 FC:1460  
Repln. Ref: 08/14/2008 HDESTA1 0012334900  
Dm:501809 Name/Number:10600258 \$130.00 CR  
FC: 9224



PTO/SB/22 (08-03)

Approved for use through 7/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)** Docket Number (Optional) AVI 1005-04US

In re Application of	MACCREADY et al.	
Application Number	10/600,258	Filed June 20, 2003
For	HYDROGEN POWERED AIRCRAFT	
Art Unit	3746	Examiner

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- |   |             |
|---|-------------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1))              | \$ _____    |
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| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5))            | \$ _____    |
- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 740.00 03/05/2004 DTESEM1 00000015 10600258
- A check in the amount of the fee is enclosed. 05 FC:2254 740.00 OP
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1809.

I have enclosed a duplicate copy of this sheet.

I am the  applicant/inventor.

- |  |
|--|
| <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71.<br>Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). |
| <input checked="" type="checkbox"/> attorney or agent of record. Registration Number 39,694  |
| <input type="checkbox"/> attorney or agent under 37 CFR 1.34(a).<br>Registration number if acting under 37 CFR 1.34(a) 39,694                        |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

February 26, 2004

Date

(310) 376-6527

Telephone Number

John Grieggi, Reg. No. 39,694

Typed or printed name

Signature

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of one (1) forms are submitted.

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Adjustment date 03/05/2004 DTESEM1 00000015 10600258  
 Ref: 06/14/2004 DTESEM1 00000015 10600258  
 DA# 501809 Name/Number 10600258  
 FC: 9204 -740.00 OP  
 03/05/2004 DTESEM1 00000015 10600258  
 05 FC: 9254